

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EARLINE MARTIN,	)	
	)	Civil Action
Plaintiff	)	No. 2013-cv-01302
	)	
vs.	)	
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant	)	
	)	
SOCIAL SECURITY ADMINISTRATION	)	
	)	
Interested Party	)	

O R D E R

NOW, this 23<sup>rd</sup> day of March, 2015, upon consideration  
of the following documents:

- (1) Decision of Administrative Law Judge Susan A. Flynn dated August 16, 2011;
- (2) Complaint filed March 18, 2013;
- (3) Answer filed September 30, 2013;
- (4) Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand, which motion was filed November 8, 2013;
- (4) Plaintiff's Brief and Statement of Issues in Support of Request for Review, which brief and statement of issues was filed November 8, 2013;
- (5) Defendant's Response to Request for Review of Plaintiff, which response was filed December 10, 2013;
- (6) Plaintiff's Reply Brief filed December 16, 2013; and

(7) Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated and filed July 25, 2014;

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Lloret's Report and Recommendation; it further appearing that Magistrate Judge Lloret's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Lloret's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that plaintiff's request for remand is granted.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is dismissed.<sup>1</sup>

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Earline Martin, and against defendant Carolyn W.

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<sup>1</sup> Pursuant to paragraph 3 of the Procedural Order for Social Security Review, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment", which plaintiff did on August 26, 2008. I consider paragraph 1 of plaintiff's Complaint in which he "seeks judicial review pursuant to 42 U.S.C. [§] 405(g) of an adverse decision of the defendant" to be a "Request for Review". "Plaintiff's Motion for Summary Judgment" filed November 8, 2013 is no longer a required or appropriate procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff Supplemental Security Income benefits. Accordingly, I am disregarding it.

Colvin, Acting Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Administrative Law Judge dated August 16, 2011 and affirmed by the Appeals Council on January 4, 2013 which denied benefits to plaintiff Earline Martin, is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g) this matter is remanded to the Commissioner for further proceedings in accordance with Magistrate Judge Lloret's Report and Recommendation.<sup>2</sup>

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge

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<sup>2</sup> Specifically, the Commissioner is directed have the Administrative Law Judge expressly consider plaintiff's Global Assessment of Functioning ("GAF") scores and explain any rational for either crediting or discrediting the scores.